

# Senate Study Bill 3198 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON DVORSKY)

## A BILL FOR

1 An Act making appropriations to the department of workforce  
2 development for certain purposes and including effective  
3 date and retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. LEGISLATIVE FINDINGS. It is the finding of the  
 2 general assembly that the recent Iowa supreme court decision of  
 3 Homan v. Branstad, No. 11-2022, March 16, 2012, has invalidated  
 4 the proper enactment of certain provisions contained in the  
 5 2011 Iowa Acts, chapter 130 (Senate File 517). It is the  
 6 intent of the general assembly to reenact, as amended, certain  
 7 invalidated provisions of Senate File 517 that were published  
 8 in the 2011 Iowa Acts and to validate expenditures made by the  
 9 department of workforce development and actions entered into  
 10 in reliance on the enactment of the invalidated provisions  
 11 published in the 2011 Iowa Acts.

12 Sec. 2. DEPARTMENT OF WORKFORCE DEVELOPMENT. There  
 13 is appropriated from the general fund of the state to the  
 14 department of workforce development for the fiscal year  
 15 beginning July 1, 2011, and ending June 30, 2012, the following  
 16 amounts, or so much thereof as is necessary, for the purposes  
 17 designated:

18 1. DIVISION OF LABOR SERVICES

19 a. For the division of labor services, including salaries,  
 20 support, maintenance, miscellaneous purposes, and for not more  
 21 than the following full-time equivalent positions:

22 .....	\$	3,495,440
23 .....	FTEs	64.00

24 b. From the contractor registration fees, the division of  
 25 labor services shall reimburse the department of inspections  
 26 and appeals for all costs associated with hearings under  
 27 chapter 91C, relating to contractor registration.

28 2. DIVISION OF WORKERS' COMPENSATION

29 a. For the division of workers' compensation, including  
 30 salaries, support, maintenance, miscellaneous purposes, and for  
 31 not more than the following full-time equivalent positions:

32 .....	\$	2,949,044
33 .....	FTEs	30.00

34 b. The division of workers' compensation shall charge a  
 35 \$100 filing fee for workers' compensation cases. The filing

1 fee shall be paid by the petitioner of a claim. However, the  
2 fee can be taxed as a cost and paid by the losing party, except  
3 in cases where it would impose an undue hardship or be unjust  
4 under the circumstances. The moneys generated by the filing  
5 fee allowed under this subsection are appropriated to the  
6 department of workforce development to be used for purposes of  
7 administering the division of workers' compensation.

8       3. WORKFORCE DEVELOPMENT OPERATIONS

9       a. For the operation of field offices, the workforce  
10 development board, and for not more than the following  
11 full-time equivalent positions:

12 .....	\$	8,671,352
13 .....	FTEs	130.00

14       The moneys appropriated in this paragraph are contingent  
15 upon the workforce development centers, including satellite  
16 offices, which maintain a physical presence in a county, other  
17 than those centers maintained by electronic means, which were  
18 open and operational October 31, 2011, remaining open and  
19 operational through June 30, 2012.

20       b. Of the moneys appropriated in paragraph "a" of this  
21 subsection, the department shall allocate \$1,130,602 for the  
22 operation of satellite field offices in Decorah, Fort Madison,  
23 Iowa City, and Webster City.

24       4. OFFENDER REENTRY PROGRAM

25       a. For the development and administration of an offender  
26 reentry program to provide offenders with employment skills,  
27 and for not more than the following full-time equivalent  
28 positions:

29 .....	\$	284,464
30 .....	FTEs	3.00

31       b. The department shall partner with the department of  
32 corrections to provide staff within the correctional facilities  
33 to improve offenders' abilities to find and retain productive  
34 employment.

35       5. NONREVERSION

1 Notwithstanding section 8.33, moneys appropriated in this  
2 section that remain unencumbered or unobligated at the close of  
3 the fiscal year shall not revert but shall remain available for  
4 expenditure for the purposes designated until the close of the  
5 succeeding fiscal year.

6 Sec. 3. EMPLOYMENT SECURITY CONTINGENCY FUND.

7 1. There is appropriated from the special employment  
8 security contingency fund to the department of workforce  
9 development for the fiscal year beginning July 1, 2011, and  
10 ending June 30, 2012, the following amount, or so much thereof  
11 as is necessary, to be used for field offices:

12 ..... \$ 1,217,084

13 2. Any remaining additional penalty and interest revenue  
14 collected by the department of workforce development is  
15 appropriated to the department for the fiscal year beginning  
16 July 1, 2011, and ending June 30, 2012, to accomplish the  
17 mission of the department.

18 Sec. 4. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD  
19 OFFICES. Notwithstanding section 96.9, subsection 8, paragraph  
20 "e", there is appropriated from interest earned on the  
21 unemployment compensation reserve fund to the department of  
22 workforce development for the fiscal year beginning July 1,  
23 2011, and ending June 30, 2012, the following amount or so much  
24 thereof as is necessary, for the purposes designated:

25 For the operation of field offices:

26 ..... \$ 4,238,260

27 Sec. 5. GENERAL FUND — EMPLOYEE MISCLASSIFICATION  
28 PROGRAM. There is appropriated from the general fund of the  
29 state to the department of workforce development for the fiscal  
30 year beginning July 1, 2011, and ending June 30, 2012, the  
31 following amount, or so much thereof as is necessary, to be  
32 used for the purposes designated:

33 For enhancing efforts to investigate employers that  
34 misclassify workers and for not more than the following  
35 full-time equivalent positions:

1 ..... \$ 451,458  
2 ..... FTEs 8.10

3 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies  
4 retroactively to July 1, 2011.

5 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
6 immediate importance, takes effect upon enactment.

7 EXPLANATION

8 This bill makes appropriations from the general fund and  
9 other funds to the department of workforce development for FY  
10 2011-2012. The bill reenacts certain provisions, as amended,  
11 of Senate File 517 that were published in the 2011 Iowa Acts,  
12 chapter 130, after the invalidation of the provisions pursuant  
13 to the Iowa supreme court decision of Homan v. Branstad.

14 The bill appropriates moneys from the general fund to the  
15 department of workforce development.

16 The bill appropriates moneys from the special employment  
17 security contingency fund to the department of workforce  
18 development for field offices.

19 The bill appropriates interest earned on the unemployment  
20 compensation reserve fund to the department of workforce  
21 development for the operation of field offices.

22 The bill appropriates moneys to the department of workforce  
23 development for an employee misclassification program.

24 The bill is effective upon enactment. The bill makes  
25 appropriations to the department of workforce development for  
26 FY 2011-2012 and applies retroactively to July 1, 2011.